



OFFICE OF
THE SECRETARY

Federal Communications Commission
Washington

CORRESPONDENCE
FILE

April 10, 1995

Honorable Bill Emerson
Congress of the United States
House of Representatives
Suite 2268, Rayburn Building
Washington, D. C. 20515-2508

Re: MM Docket No. 94-10
BR-890929VC
BRH-890929VB

Dear Congressman Emerson:

Thank you for your letter dated March 13, 1995, accompanied by letters from your constituents, Rev. Herbert G. Halter, Ms. Evelyn Barnes, Ms. Helen V. Turner, Gene and Jean Allen and Carl and Agnes Westmeyer, concerning the applications of The Lutheran Church/Missouri Synod for renewal of the licenses of Stations KFUD/KFUD-FM in Clayton, Missouri.

Your letter was forwarded to the Office of the Managing Director for reply in keeping with the Commission's ex parte rules, which deals with communications relative to the merits of all "restricted" proceedings under consideration by the Commission. The Managing Director asked me to respond on his behalf.

The ex parte rules require service on all parties of filings addressing the merits or outcome of restricted proceedings. Because these applications have been designated for hearing, the proceeding is considered "restricted" and will remain so until such time as a Commission decision is made and is no longer subject to reconsideration or review by the Commission or the courts. See 47 CFR Section 1.1208(c)(2). Hearings were held June 20 - June 24, 1994 and the proceeding is now awaiting the release of an Initial Decision by the Administrative Law Judge.

In accordance with FCC Rules as found in 47 CFR Section 1.1212(e), I have, by copies of this letter, provided notice and disclosure of your communication to all parties to this proceeding. Additionally, this

letter and your communication have been placed in a public file associated with (but not made a part of) the record in the proceeding. See 47 CFR Section 1.1212(d).

You may be assured that the Commission will closely examine all evidence in the record in order to determine which course of action will best serve the public interest, convenience and necessity.

Sincerely,

William F. Caton
William F. Caton
Acting Secretary

cc: David E. Honig, Esq.
Law Offices of David E. Honig
1800 N.W. 187th Street
Miami, Florida 33056

Everald Thompson, Esq.
Associate General Counsel
NAACP
4805 Mt. Hope Drive
Baltimore, Maryland 21215

Kathryn R. Schmeltzer, Esq.
Richard R. Zaragoza, Esq.
Fisher, Wayland, Cooper & Leader
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D. C. 20037

Chief, Mass Media Bureau
Federal Communications Commission
Hearing Branch
2025 M Street, N.W.
Room 7212
Washington, D. C. 20554

BILL EMERSON
MEMBER OF CONGRESS
8TH DISTRICT, MISSOURI

HOUSE COMMITTEE ON
AGRICULTURE
HOUSE COMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE

Congress of the United States
House of Representatives
Washington, DC 20515-2508
March 13, 1995

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minority
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OFFICES:
SUITE 2268
BAYBURN BUILDING
WASHINGTON, DC 20515-2508
(202) 225-4404
THE FEDERAL BUILDING
339 BROADWAY
CAPE GIRARDEAU, MO 63701
(314) 335-0101
612 PINE
ROLLA, MO 65401
(314) 364-2455

Ms. Lauren "Pete" Belvin
Director, Office of Legislative Affairs
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

Dear Ms. Belvin:

Enclosed, you will find the requests from my constituents in Southeast Missouri who are denominational members of the Lutheran Church-Missouri Synod. They have serious concerns regarding affirmative action requirements and the fate of KFUE-AM. I would like to ask for your careful review of these comments.

I would appreciate knowing of your response, and would appreciate it if you would advise Pete Jeffries of my staff of your reply. Thank you very much for your time and consideration of this matter.

Sincerely,



BILL EMERSON
Member of Congress

BE/pmj
ENCLOSURES

Rev. Herbert M. Halter
613 E. Columbia
Harrington, Ne 63640
Feb. 3, 1995

Dear Rep. Bill Emerson:

I want to call a matter to your attention that is a personal concern to me. My Church The Lutheran Church-Missouri Synod, has owned and operated a radio station in St. Louis (KFMO) since the 1930's. Recently the N.A.A.C.P. filed a complaint with the F.C.C. that KFMO does not hire enough black employees. If this complaint is accepted KFMO could lose its broadcasting license.

The fact is that KFMO is willing and eager to hire black employees if they are qualified. However, since KFMO-AM broadcasts Bible Studies, call-in programs, and devotional messages, it is essential that employees be trained in the theology of our denomination. KFMO-FM broadcasts classical music throughout the day. It is important and imperative that on-the-air employees of the FM station be well versed in classical music in order to provide the commentary that accompanies the music. It is difficult to find black people who have expertise in these areas.

My basic concern is that we are in danger of losing a valuable asset to our ministry and to the community simply because we are not meeting a quota of black employees. I believe that black and other minority individuals should be given ample opportunity for employment. However, it is wrong when institutions are required to hire people according to race without regard to their qualifications.

I appreciate being able to express this concern. Any influence that you can bring to this issue will be appreciated.

Sincerely yours,
Rev. Herbert M. Halter, a Retired
Lutheran Pastor.

EVELYN BARNES
1910 PROGRESS DR
FARMINGTON MO 63640

February 6, 1995

Dear Rep. Bill Emerson,

The following is a form letter, however it expresses how I feel.

I want to call a matter to your attention that is a matter of personal concern. My church, The Lutheran Church-Missouri Synod, has owned and operated a radio station in St. Louis (KFUO) since the 1930's. Recently the NAACP filed a complaint with the FCC that KFUO does not hire enough black employees. If this complaint is accepted, KFUO could lose its broadcasting license.

The fact is that KFUO is willing and eager to hire black employees if they are qualified. However, since KFUO-AM broadcasts Bible studies, call-in programs, and devotional messages, it is essential that employees be trained in the theology of our denomination. KFUO-AM broadcasts classical music throughout the day. Therefore, it is imperative that employees be well versed in classical music in order to provide the commentary that accompanies the music. It is difficult to find black people who have expertise in these areas.

My basic concern is that we are in danger of losing a valuable asset to our ministry and to the community simply because we are not meeting a quota for black employees. I believe that black and other minorities should be given ample opportunity for employment. However, it is wrong when institutions are required to hire without regard to qualification. Any influence that you can bring to this issue will be appreciated.

Thank you for letting me bring this to your attention.

*Cordially yours,
Evelyn Barnes*

517 Hillboro Road P.M.
Farmington, MO. 63640
February 6, 1995

FEB 15 1995

Representative Bill Emerson
2454 Rayburn Bldg.
Washington, DC 20515

Helen V. Turner
RR 6
517 Hillboro Rd
Farmington, MO. 63640-1601

Dear Representative Emerson,

I want to call a matter to your attention that is a personal concern to me. My church, The Lutheran Church-Missionary Synod has owned and operated a radio station in St. Louis (KFUU) since the 1930's. Recently the N.A.A.C.P. filed a complaint with the FCC, that KFUU does not hire enough black employees. If this complaint is accepted KFUU could lose its broadcasting license.

The fact is that KFUU is willing and eager to hire black employees if they are qualified. However, KFUU-AM broadcasts Bible studies, call-in programs, and devotional messages, it is essential that employees be trained in the theology of our denomination. KFUU-FM broadcasts classical music throughout the day. It is imperative that on-the-air employees of the FM station be well versed in classical music in order to provide the commentary that accompanies the music. It is difficult to find black people who have expertise in these areas.

My basic concern is that we are in danger of losing a valuable asset to our ministry and to the community simply because we are not meeting a quota of black employees. I believe that black and other minorities should be given ample opportunity for employment. However, it is wrong when institutions are required to hire people according to race without regard to their qualifications.

I appreciate being able to express this concern. Any influence that you can bring to this issue will be appreciated.

Sincerely yours,
Helen V. Turner.

2-6-95

PM-

Dear *Mr. Emerson,*

I want to call a matter to your attention that is a personal concern to me. My church, The Lutheran Church-Missouri Synod, has owned and operated a radio station in St. Louis (KFUO) since the 1930's. Recently the N.A.A.C.P. filed a complaint with the F.C.C. that KFUO does not hire enough black employees. If this complaint is accepted KFUO could lose its broadcasting license.

The fact is that KFUO is willing and eager to hire black employees if they are qualified. However, since KFUO-AM broadcasts Bible studies, call-in programs, and devotional messages, it is essential that employees be trained in the theology of our denomination. KFUO-FM broadcasts classical music throughout the day. It is imperative that on-the-air employees of the FM station be well versed in classical music in order to provide the commentary that accompanies the music. It is difficult to find black people who have expertise in these areas.

My basic concern is that we are in danger of losing a valuable asset to our ministry and to the community simply because we are not meeting a quota of black employees. I believe that black and other minority individuals should be given ample opportunity for employment. However, it is wrong when institutions are required to hire people according to race without regard to their qualifications.

I appreciate being able to express this concern. Any influence that you can bring to this issue will be appreciated.

Sincerely yours,

Gene & Jean Allen
303 Carter St.
Farmington, Mo. 63640

Rep. Bill Emerson
2454 Rayburn Bldg.
Washington, DC 20515

Feb. 9, 1995
Farmingington, Mo.

Dear Rep. Emerson:

We want to call a matter to your attention that is a personal concern. Our church, The Lutheran Church - Missouri Synod, has owned and operated a radio station in St. Louis (KFVO) since the 1930's. Recently the N.A.A.C.P. filed a complaint with F.C.C. That KFVO does not hire enough black employees. If this complaint is accepted, KFVO could lose its broadcasting license.

The fact is KFVO is willing and eager to hire black employees if they are qualified. However, since KFVO-AM broadcasts Bible studies, call-in programs, and devotional messages, it is essential that employees be trained in the Theology of our denomination. KFVO-AM broadcasts classical music throughout the day. Therefore, it is imperative that employees be well-versed in classical music in order to provide the commentary that accompanies the music. It is difficult to find black people who have expertise in these areas.

With the shortage of good musical programs on TV and most radio stations, it would be a great loss to us and the whole community if KFVO should lose its broadcasting license.

Our basic concern is that we are in danger of losing a valuable asset of our ministry to the community simply because we are not meeting a quota of black employees. We believe black and other minorities should be given ample opportunity for employment. However, it is wrong when institutions are required to hire people according to race without regard to their qualifications. Any influence that you can bring to this issue will be greatly appreciated.

Thank you for letting us to bring this to your attention.

Sincerely yours, Carl and Agnes Westmeyer

710 Forster St.
Farmingington, Mo. 63640-2651